

C H A P.
XXXVII.Appearing
and refusing
to give Evi-
dence, may
be commit-
ted.

by Procefs out of the Court to which they were summoned, which fuch Court is hereby authorifed and required to award accordingly; by virtue of which Procefs the Sheriff fhall be obliged to have the Body of fuch Evidence at the Court where fuch Writ fhall be returned to, and fhall oblige their Attendance at the fame Court. And in cafe any Witnefs summoned or attached, who being prefent, fhall refuse or delay to give his Evidence, fuch Witnefs fhall be committed to Jail, there to remain till he fhall willingly do the fame.

Every Pro-
vincial Grand
Jury, to be
allowed 3000
lb Tobacco,
in the Public
Levy.

VI. And for the afcertaining the Expences of Jurors and Evidences; *Be it Enacted*, That it fhall and may be lawful for his Majesty's Juftices of the Provincial Court of this Province, to allow unto the Grand Jurors that fhall ferve in the Provincial Court, towards the defraying the Expences of the faid Jurors, for every Court they fhall attend, any Quantity of Tobacco, not exceeding Three Thousand Pounds of Tobacco, at the Difcretion of fuch Juftices, to be paid out of the Public Levy of this Province.

Every Coun-
ty Grand Ju-
ry, to be al-
lowed 500 lb
Tobacco, in
the County
Levy.

VII. And be it alfo *Enacted*, That it fhall and may be lawful for the Juftices of the feveral and refpective County Courts of this Province, to allow unto the Grand Jurors that fhall ferve in the feveral and refpective County Courts, any Sum of Tobacco, at the Difcretion of the faid Juftices, not exceeding Five Hundred Pounds for each Court they fhall ferve; to be paid out of the feveral and refpective County Levies.

Allowance to
Juries. See
the Note be-
low.

VIII. And be it further *Enacted*, That it fhall and may be lawful for the Juftices of the Provincial Court, to allow unto every Petit Juror summoned to ferve in the fame Court, the Sum of * Thirty Pounds of Tobacco for every Day fuch Juror fhall attend in fuch Service, to be paid them in the Public Levy, befides the Sum of † One Hundred and Twenty Pounds of Tobacco, to be allowed every full Jury that fhall pafs their Verdict in any Caufe, to be paid by the Party for whom fuch Verdict fhall pafs, and be allowed in the Bill of Coft as ufual: And that the Clerk of the Provincial Court, for the Time being, lay a Lift of all Perfons that ferved as Petit Jurors in the Provincial Court; with an Account of the Number of Days they attended, and the Counties they were returned for, before the Committee for laying and apportioning the Public Levy yearly, under the Penalty of Six Thousand Pounds of Tobacco, to the King, his Heirs and Succelfors, for Support of Government; to be recovered by Bill, Plaint or Information, wherein no Efsoin, Protection or Wager of Law fhall be allowed; for which he fhall be allowed in the Public Levy, Two Hundred Pounds of Tobacco, and no more.

* 48 lb Tobacco *per Diem*, in lieu of all Allowances by any former Act, 1760, *ch.* 16, §. 2.
† 96 lb Tobacco to every full Jury. *Ibid.*

See 1719, *ch.* 3, §. 2, for the Penalty on Perfons giving more to a full Jury than 120 Pounds of Tobacco, or 12 Shillings in Money.

No Person to
ferve as a Pe-
tit Juror in
any Court
where he hath
an Ifsue de-
pending for
Trial the
fame Court.

IX. And to prevent Partiality in Jurors, *Be it Enacted, by the Authority, Advice and Consent aforefaid*, That no Sheriff fhall summons any Person to ferve as a Petit Juror in any Court whatsoever, where he hath Knowledge fuch Person hath any Matter of Fact depending for Trial at the fame Court he is summoned to ferve in; and that no Person having fuch Matter of Fact depending for Trial as aforefaid, fhall be admitted as a Qualified Juror, between Party and Party, during the Sitting of fuch Court that fuch Matter of Fact fhall be, or expected to be tried in.

Allowance to
Witneffes, in
the Provin-
cial Court,
40 lb To-
bacco *per
Diem*.

X. And be it further *Enacted, by the Authority, Advice and Consent aforefaid*, That it fhall and may be lawful for the Juftices of the Provincial Court to allow unto every Person or Perfons, that fhall be legally summoned to give their Evidence in the faid Courts, the Sum of Forty Pounds of Tobacco, and no more, for every Day they attend at fuch Court, together with their itine- rant Charges, as ufual, to be allowed by the Court, and paid by the Person summoning them, and to be charged in the Bill of Coft, in Cafes of *Murder* and